

Applicant : Cawthorne
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REMARKS

This amendment is responsive to the Office Action (hereinafter referred to as "the instant Action") mailed November 16, 2004. Original claims 1-32 are under examination in the present action. Claims 1, 4, 6, 8, 10, 11 and 32 stand rejected and claims 2, 3, 5, 7, 9, and 12-31 are objected to. No claim is allowed.

In response to the instant Action, claims 3, 5, 7, 9, 14, 16, 18, 20, 23-26, 28 and 30 have been amended. Claims 1, 2, 4, 6, 8, 10-13, 15, 17, 19, 21, 22, 27, 29, 31 and 32 have been canceled without waiver or prejudice. Applicants reserve the right to file a subsequent application directed to the canceled claims and deleted subject matter.

1-2. Applicants are grateful for the entry of their response to the Office Action mailed February 25, 2004 and the Examiner's consideration thereof.

3. Applicants comments in opposition to the finality of the restriction requirement were submitted to preserve their arguments in the event of an appeal.

4-6. Claims 2-10 and 12-32 stand objected to for a number of informalities as detailed on page 3 of the instant Office Action. In particular, the Examiner objected to use of "A method" in dependent claims 2-10 and 12-32 on the grounds that use thereof rendered said claims unclear and imprecise. Without conceding the correctness of the stated objection, Applicants

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amend claims 3, 5, 7, 9, 14, 16, 18, 20, 24-26, 28 and 30 to replace "A" with "The" as suggested by the Examiner.

Claims 2, 3, 5, 7, 9 and 12-31 are objected to as being dependent upon a rejected base claim. In response thereto, Applicants amend claim 3 as an independent claim. The dependencies of claims 7, 23, 24 and 26 are amended to be dependent upon amended claim 3.

7. The Examiner maintained her rejection of Claims 1, 4, 6, 8, 10, 11 and 32 under 35 U.S.C. §103 as being unpatentable over WO 96/35950 in the name of Dunmore et al. (hereinafter referred to as "Dunmore") in view of Huang, H.-J., Suppl. Hypertension, (1992) 19(1):I101-9 (hereinafter referred to as "Huang"). Applicants adopt and incorporate their argument in response to this rejection, as if stated in its entirety herein, submitted in opposition to the Office Action mailed February 25, 2004. In an effort to advance the prosecution of this application to grant, however, and without conceding the correctness of Examiner's Response to Applicants' aforementioned argument, claims 1, 4, 6, 8, 10, 11 and 32 are canceled without waiver or prejudice.

In the reasoning provided for maintaining the rejection under 35 U.S.C. §103, the Examiner argues that the prior art suggests the use of a somatostatin type-5 receptor agonist in the treatment of obesity. Based on her comments, the Applicants are of the opinion that the qualified allowance of claim 2 was in error since even after the suggested amendment it reads on the

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Examiner's understanding of the prior art, i.e., use of a somatostatin type-5 receptor agonist. Applicants are proceeding on the assumption that the Examiner intended to allow claim 3, directed to the use of a somatostatin **type-2** receptor agonist, on the condition that her stated objections were overcome by amendment. In an effort solely to advance the prosecution of this application to grant, Applicants cancel claim 2 and amend claim 3 as an independent claim. Cancellation of claim 2 required amending the dependencies of claims 7, 23, 24 and 26 as well as the cancellation of claim 13 without waiver or prejudice. Further, claims 12, 15, 17, 19, 21, 22, 27, 29 and 31 are canceled, without waiver or prejudice, since said claims are dependent on canceled claims 1, 4, 6, 8, 10 and 11, although not specifically addressed by the Examiner in the instant Action.

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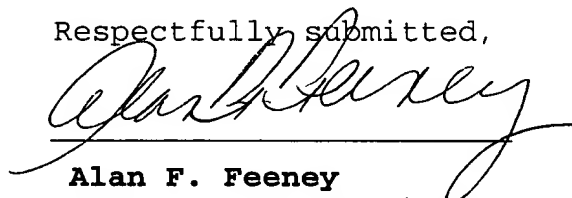
CONCLUSION

Applicants submit that the grounds for rejection have been overcome, and that the claims, as now pending, define subject matter that is novel and nonobvious over the prior art. On this basis, it is submitted that allowance of the instant application is proper, and early favorable action is solicited.

Should Examiner Robinson deem any further action is required of the Applicants to place this application in a condition for issue, she is requested to telephone the Applicants' undersigned representative.

Date: 12/9/2004

Respectfully submitted,



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